

Minutes of Meeting

VIRGINIA REAL ESTATE BOARD INFORMAL FACT-FINDING CONFERENCES NOVEMBER 12, 2003 (9:00 A.M.)

The Virginia Real Estate Board convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Frank J. Quayle, III, Board Member, Presided. No other Board members were present.

Douglas W. Schroder appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made.

Disc=Disciplinary Case

C=Complainant/Claimant

R=Respondent/Regulant

I=Investigator

W=Witness

Participants

William Locke
File Number 2003-02213 (Disc)

Locke – R

David Nuyen
File Number 2002-00465 (Disc)

None

Dimitrois Soulios
File Number 2003-01071(Disc)

Soulios – R
Anna Soulios - W
Shirley M. Cole – W
Charles Club - W
Janet Creamer – I

The meeting adjourned at 11:10 a.m.

Virginia Real Estate Board

S. Ronald Owens, Chairman

Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

REAL ESTATE BOARD

**RE: WILLIAM ARTHUR LOCKE
LICENSE NUMBER: 0205 119120**

FILE NUMBER: 2003-02213

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on November 12, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to William Arthur Locke, on October 14, 2003. The following individuals participated at the conference: William Arthur Locke, Respondent; Douglas W. Schroder, Staff Member; and Frank J. Quayle, III, Presiding Board.

Summation of Facts

1. On February 10, 2003, in the General District Court of Chesterfield County William Arthur Locke (Locke) was convicted of shoplifting - petit larcency, a misdemeanor, in violation of § 18.2-96.
2. On February 10, 2003, the court sentenced Locke to 60 days, with 60 days suspended. Locke was also required to pay a \$100.00 fine and \$147.00 in court costs.

3. During the IFF, Locke stated that he placed the CD under his arm while answering his cellular phone, failing to pay for the CD. Locke walked out of the store and was stopped by security and asked to return to the store at which time he was arrested.

Conclusion and Recommendation

Count 1: 18 VAC 135-20-260(5) (Effective January 1, 1999)

Upon listening to Locke's testimony, I believe that Locke did not intentionally shoplift and therefore recommend that this count of the file be closed with a finding of no violation

By: _____

Frank J. Quayle, III
Presiding IFF Board Member
Real Estate Board

Date: November 12, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
REAL ESTATE BOARD**

**RE: DAVID DIEU NUYEN
LICENSE NUMBER: 0225 043099
FILE NUMBER: 2002-00465**

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on November 12, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to David Dieu Nuyen, on October 15, 2003. The following individuals participated at the conference: Douglas W. Schroder, Staff Member; and Frank J. Quayle, III, Presiding Board Member. Neither David Dieu Nuyen, the Respondent, nor anyone on his behalf attended the IFF.

Summation of Facts

1. On or about March 13, 2002, in the United States District Court, District of Maryland, David D. Nuyen (Nuyen) was convicted of violating Title 18 U.S.C, Sections 1505 and 1001, Obstruction Agency Audit and False Statements, felonies.
2. On or about March 13, 2002, in the United States District Court, District of Maryland, Nuyen was convicted of violating Title 15 U.S.C., Section 2615(b), Toxic Substances Control Act, a misdemeanor, for failing to notify tenants of lead-based paint hazards.
3. Nuyen was sentenced to 24 months in prison and fined \$50,000.00.

Conclusion and Recommendation

Count 1: 18 VAC 135-20-260(5) (Effective January 1, 1999)

Nuyen's having been convicted of a felony involving moral turpitude, there being no appeal pending therefrom or the time for appeal having lapsed, constitutes unworthy and incompetent conduct in violation of the Board's 1999 Regulation 18 VAC 135-20-260(5). Therefore, I recommend revocation of Nuyen's license be imposed for this violation.

By: _____

Frank J. Quayle, III
Presiding IFF Board Member
Real Estate Board

Date: November 12, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

REAL ESTATE BOARD

**RE: DIMITROIS SOULIOS
LICENSE NUMBER: 0203 009678**

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on November 12, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Dimitrois Soulios, on October 14, 2003. The following individuals participated at the conference: Dimitrois Soulios, Respondent; Anna Soulios, Shirley M. Cole and Charles Club, Witnesses; Douglas W. Schroder, Staff Member; and Frank J. Quayle, III, Presiding Board Member.

Summation of Facts

1. On or about June 2, 2002, Byron E. Lopez (Lopez), as purchaser, and Barry and Mary Cobb (the Cobbs), as sellers, entered into a Richmond Association of Realtors Purchase Agreement for property known as 8611 Bellmeadows Terrace in Richmond, Virginia, through Olympic Corporation, by Martha Oulton and Susan Liposchak, as Buyer's Agents, and Shirley M. Cole and Associates, by Shirley Cole (Cole), as listing agent.
2. Terms of the Purchase Agreement state that the purchaser made a deposit of \$500.00 with Olympic Corporation, as escrow agent, to be held in an interest bearing account.
3. Dimitrios Soulios (D. Soulios) is the Principal Broker of Olympic Corporation.
4. Lopez submitted a \$500.00 earnest money deposit that was deposited into the escrow account of Olympic Corporation Real Estate on or about June 7, 2002.
5. Lopez's loan application was denied and notice of the denial was mailed on or about July 15, 2002.
6. On or about July 12, 2002, Cole drafted a release agreement whereby the earnest money deposit was to be released to the seller.
7. On or about July 15, 2002 the Cobbs signed the release and it was subsequently faxed to Olympic Corporation on July 15, 2002, at approximately 11:20 a.m.
8. On or about July 16, 2002, Lopez crossed out language in the release agreement which stated the \$500.00 would be released to the seller. Lopez inserted terms that called for the \$500.00 to be disbursed to the buyer. Lopez then signed the release.

9. Anna Soulios, (A. Soulios) Associate Broker for Olympic Corporation Real Estate, faxed Lopez's counter of the release agreement to Cole on or about July 16, 2002, at approximately 5:12 p.m. A. Soulios never received the countered release agreement back with the Cobb's acceptance.

10. On or about August 14, 2002, A. Soulios submitted a check from the escrow account of Olympic Corporation Real Estate to Lopez for return of his \$500.00 earnest money deposit. This return was made without Olympic Corporation's receipt of a fully executed release by the seller accepting the terms of the buyer's countered release offer.

11. During the IFF, A. Soulios stated that she released the earnest money check to Lopez, without a signed release of contract from the seller. A. Soulios signed the check without passing it by Soulios, the Principal Broker. A. Soulios testified that they did pay the sellers \$500.00, as restitution for the error.

Conclusion and Recommendation

Count 1: 18 VAC 135-20-180(B)(1)(a) (Effective January 1, 1999)

Soulios' failure, as Principal Broker of Olympic Corporation, to assure that a fully accepted release was executed by all parties prior to the disbursement of funds from the firm's escrow account, is a violation of the Board's 1999 Regulation 18 VAC 135-20-180(B)(1)(a). Therefore, I recommend a monetary penalty of \$250.00 be imposed for violation of this regulation.

Soulios acknowledged that the brokers payment of \$500.00 to the seller, from their own account, was a mitigating circumstance in the resolution of the fine.

By: _____

Frank J. Quayle. III
Presiding IFF Board Member
Real Estate Board

Date: November 12, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 0203 009678 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

DRAFT